Public Health Appeal Board

Annual Report 2007

Alberta

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Table of Contents

Public Health Appeal Board members 2

Background 3

Duties 3

Appeal applications, hearings, dispositions 4

Appeal activities and summaries 5

Other activities 10

Public Health Appeal Board Members

William Love - Calgary
Chair

Mr. Love is an independent insurance broker and consultant. A former chair of the Board of Examiners for Certified Dental Mechanics (1993 – 2002), Bill volunteers for church and community organizations.

Sharon Cox - High Prairie
Vice-chair

Ms. Cox runs a mixed farming operation with her children and is a former registered nursing assistant. She is a past chairperson for the Keeweetinok Lakes regional health authority (1994 – 2001) and enjoys volunteering for various community groups.

William (Bill) Steinburg - Spruce Grove
Alternate Vice-chair

Mr. Steinburg is currently serving his fourth term as alderman for the city of Spruce Grove and has held position of mayor for one term. Bill is a health care consultant and holds a bachelor of Health Services Administration degree. He is semi retired as manager of Medical Imaging with a background in finance administration and capital projects.

Lillian Douglass – Edmonton

Ms. Douglass is adjunct associate professor at the University of Alberta and has been associate dean and/ or associate professor for about 10 years. She has served on a number of boards at the provincial, national, and international levels. Her varied professional pursuits have taken her to areas in Africa and Southeast Asia to assist with mounting undergraduate and graduate nursing education programs. Lillian is a recipient of the Alberta Centennial Medal.

Kenneth Hodgins – Fort Saskatchewan

Mr. Hodgins is executive director of the Fort Saskatchewan Chamber of Commerce. Ken served three terms as alderman on City Council in Fort Saskatchewan as well as three terms as mayor. He was owner/ operator of Men's Wear retail store for 35 years. Ken has been active on numerous community organizations.

Background

The Public Health Appeal Board (the Board) was established February 03, 1999 under the amended *Alberta Public Health Act*. The Public Health Appeal Board replaced the former Public Health Advisory and Appeal Board established in 1985.

The Board is subject to general rules of administrative law and natural justice as they apply to quasi-judicial tribunals.

Donald R. Cranston, Q.C., of the law firm Bennett Jones LLP provides the Board with independent legal counsel.

Duties

The Public Health Appeal Board is a panel of not more than five members appointed by the Lieutenant Governor in Council. The mandate of the Public Health Appeal Board is to hear appeals from individuals who have been directly affected by a decision of a regional health authority (RHA). Those decisions are related primarily to orders made pursuant to section 62 of the *Public Health Act*.

The Board may call upon technical experts and professionals to assist and provide them with specific knowledge in areas related to an appeal. At the completion of an appeal, the Board gives written notice of its decision.
It may:

- confirm, reverse or vary the decision of the RHA or
- refer the matter back to the RHA for further consideration.

2007 APPEAL APPLICATIONS – HEARING – DISPOSITIONS

Regional Health Authority	Appeal Applications	Date of Appeal mm/dd/yyyy	Appeal Withdrawn	Decision	Comments
Chinook Regional Health Authority	07/ 2007	06/ 13/ 2007	Withdrawn		
	11/ 2007	09/ 25/ 2007	Withdrawn		
Palliser Health Region	13/ 2007	10/ 01/ 2007		Upheld	Owner to pursue completion of repairs
Calgary Health Region	01/ 2007	01/ 25/ 2007	Withdrawn		
	03/ 2007	05/ 15/ 2007	Withdrawn		
	04/ 2007	05/ 01/ 2007	Withdrawn		
	08/ 2007	06/ 21/ 2007	Withdrawn		
	09/ 2007	07/ 10/ 2007	Withdrawn		
David Thompson Regional Health Authority	20/ 2006	08/ 04/ 2006	Withdrawn		Withdrawn June 1, 2007
East Central Health	Nil	n/ a	n/ a	n/ a	n/ a
Capital Health	19/ 2006	08/ 03/ 2006		Adjourned	Owner to complete repairs by March 1, 2008
	02/ 2007	04/ 04/ 2007	Withdrawn		
	05/ 2007	05/ 25/ 2007		Upheld	Owner to pursue completion of repairs
	06/ 2007	05/ 25/ 2007		Upheld	Owner to pursue completion of repairs
	10/ 2007	07/ 13/ 2007		Overturned	Inspection report not required re: conditions
	12/ 2007	09/ 23/ 2007	Withdrawn		
Aspen Regional Health Authority	Nil	n/ a	n/ a	n/ a	n/ a
Peace Country Health	Nil	n/ a	n/ a	n/ a	n/ a
Northern Lights Health Region	Nil	n/ a	n/ a	n/ a	n/ a

Appeal Activities and Summaries

The following is a summary of all appeals or applications received and/or heard by the Public Health Appeal Board from September 13, 2006 to December 31, 2007. Orders were issued by the executive officer of the regional health authority named as per the following:

19/2006 - Capital Health

Appeal of the order under Section 62 of the *Public Health Act*, requiring the owner to correct a number of deficiencies of the premises by a specified date.

Hearing held September 13, 2006
This matter was adjourned indefinitely with the consent of all parties at the hearing held September 13, 2006.

Subsequently, November 28, 2007, the Board rendered the decision that all violations be completed by March 1, 2008.

20/2006 - David Thompson Health Region

Appeal of the order under Section 62 of the *Public Health Act*, requiring the owner to provide washrooms accessible to the public and to operate and maintain the public washrooms in a sanitary manner.

This matter was adjourned indefinitely with the consent of all parties on September 13, 2006. The parties have leave to come back before the Board on an agreeable date for a determination of the issues on appeal.

The appellant withdrew the appeal on June 1, 2007.

01/2007 - Calgary Health Region

Appeal of the Housing/Nuisance Complaint Listing Report under Section 62 of the *Public Health Act*, requiring the owner to correct a number of conditions of the premises by a specified date.

The appellant withdrew the appeal.

02/2007 - Capital Health

Appeal of the order under Section 62 of the *Public Health Act*, declaring the premises unfit for human habitation and requiring the occupants to vacate the premises.

The appellant withdrew the appeal.

03/2007 - Calgary Health Region

Appeal of the order under Section 62 of the *Public Health Act*, requiring the owners to comply with a number of requirements such as sanitizing the kitchen and food areas, keeping records of the cleaning, storing cooked meats in the cooler and reheating to cooking temperatures.

The appellant withdrew the appeal.

04/2007 - Calgary Health Region

Appeal of the order under Section 62 of the *Public Health Act*, declaring the premises unfit for human habitation and requiring the occupants to vacate the premises.

The appellant withdrew the appeal.

05/2007 - Capital Health

Appeal of the order under Section 62 of the *Public Health Act*, requiring the owner to correct a number of conditions of the premises by a specified date.

Hearing held June 25, 2007 concurrent with Appeal 06/2007
The Board upheld the order. The appellant is to correct the conditions identified in the order to the satisfaction of an executive officer of Capital Health.

06/2007 - Capital Health

Appeal of the order under Section 62 of the *Public Health Act*, requiring the owner to correct a number of conditions of the premises by a specified date.

Hearing held June 25, 2007 concurrent with Appeal 05/2007
The Board upheld the order. The appellant is to correct the conditions identified in the order to the satisfaction of an executive officer of Capital Health.

07/2007 - Chinook Health Region

Appeal of two orders under Section 62 of the *Public Health Act*, declaring the premises unfit for human habitation and requiring the occupants to vacate the premises. The appellant is also to correct a number of conditions in the garage at the same address as the premises.

The appellant withdrew the appeal.

08/2007 - Calgary Health Region

Appeal of the order under Section 62 of the *Public Health Act*, requiring immediate closure of the premises and to remain closed until the owner corrects a number of conditions identified in the order to the satisfaction of an executive officer of the Calgary Health Region.

The appellant withdrew the appeal.

09/2007 - Calgary Health Region

Appeal of the order under Section 62 of the *Public Health Act*, requiring immediate closure of the premises and to remain closed until the owner corrects a number of conditions identified in the order to the satisfaction of an executive officer of the Calgary Health Region.

The appellant withdrew the appeal.

10/2007 - Capital Health

Appeal of the order under Section 62 of the *Public Health Act*, requiring the owner to correct a number of deficiencies of the hotel and to obtain an inspection report from a certified structural engineer that assesses the condition of the roof, foundation and structure of the hotel building.

Hearing held July 24, 2007
The Board overturned the order. It is not necessary to have an inspection report to assess the condition of the roof, foundation and structure of the premises, and the Board determined the owner must focus on repairing the deficiencies.

11/2007 - Chinook Health

Appeal of the order under Section 62 of the *Public Health Act*, requiring immediate closure of the premises and to remain closed until the owner corrects a number of conditions of the premises by a specified date.

The appellant withdrew the appeal.

12/2007 - Capital Health

Appeal of the order under Section 62 of the *Public Health Act*, requiring the owner to modify or replace guardrails on all exterior balconies and interior landings and that modifications be supported by an engineer's design or approved by a safety codes officer for strength and stability.

The appellant withdrew the appeal.

13/2007 - Palliser Health Region

Appeal of two orders under Section 62 of the *Public Health Act*, declaring the premises unfit for human habitation and requiring the owner to correct a number of conditions under the supervision of a safety codes officer and the premises to be vacated.

Hearing held November 27, 2007
The Board upheld the orders. The appellant is to correct the conditions identified in the order to the satisfaction of an executive officer of Palliser Health Region.

Other Activities

Board members attended educational courses provided through The Foundation of Administrative Justice. These courses provide a valuable overview of essential practices and components of conducting Public Health Appeal Board hearings. Attending courses of this nature are essential to ensuring fairness and credibility in decision making.